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October 7, 2020

VIA ECF AND EMAIL

The Honorable Analisa Torres
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007
Torres_NYSDChambers@nysd.uscourts.gov

RE: *United States v. Allan Gonzalez*, 20-cr-78 (AT)

Dear Judge Torres:

This letter is written in response to the Court's inquiry of October 2, 2020 about the conference scheduled for October 19. The defense lawyers suggest that the October conference be adjourned until January 6, 2021, the day that the trial is scheduled to start. As discussed below, we believe that the trial should be adjourned *sine die*. The Government consents to these requests.

The reality is that it is unlikely that a jury can be impaneled in January 2021 for a multi-defendant case. The conditions in New York City change day to day, and trial dates are being determined by a committee of the District Judges taking into consideration the needs of other similarly and dissimilarly situated defendants and the limitations of the courthouses. At this point, leaving the January trial date in place and setting a briefing schedule, in a case with 11 defendants and 8+ terabytes of discovery, appears futile. With the new scheduling protocol, it is difficult for us to suggest to Your Honor a firm trial date, but keeping the January date in place is akin to asking Your Honor to set a "fantasy trial date," a practice looked upon with disfavor by other Judges in this District.

While many of the defendants remain incarcerated, this case was brought in December 2019. Many other defendants whose cases are far older, who have been detained for far longer, and who also have not been convicted of any offense, are also awaiting trial. For these reasons, we respectfully ask the Court to set aside the January trial date. During

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this period of continued uncertainty, we believe that setting a January 2021 conference date is appropriate and should a need for a conference arise in the interim, we can always contact Your Honor's chambers and request an appearance. Hopefully in January, we will have enough experience in the era of COVID to be able to develop a realistic schedule.

All of us thank Your Honor for considering this proposal.

Respectfully submitted,



cc: All Parties (by ECF)

Jill R. Shellow
Counsel for Allan Gonzalez

GRANTED. The status conference scheduled for October 19, 2020, is ADJOURNED to **January 6, 2021**, at **9:00 a.m.** The trial scheduled for January 6, 2021, is ADJOURNED *sine die*.

SO ORDERED.

Dated: October 7, 2020
New York, New York



ANALISA TORRES
United States District Judge